

**FORTIETH DAY**  
(Monday, March 23, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: McKnight.

A quorum was announced present.

Pastor A. Louis Patterson, Jr., Mount Corinth Missionary Baptist Church, Houston, offered the invocation as follows:

Gracious God our Father,

In a world of agony without answers, bruises in our bosoms and chaos in far too many communities, we declare our dependence upon You for deliverance. We recognize that our world is rocked by revolution, shaken by strife and filled with fear.

Gracious Father, we do not come with a particular situation or a specific issue of continually changing concerns but rather I have in mind the deeper basic essentials of character that create a life worth living for all mankind.

Fill us with the deeper values that are most praiseworthy. We recognize now the principle of "Greek drama" of injecting a god into the act only when there is no other way out. That time is now. We recognize now that our hope is wrapped up in Your delivering power. And we confess now our continuing dependence upon You. The momentous decision that will be arrived at under this roof we pray, will be guided and governed by superrational inspiration. For we ask these blessings in the name of Jesus Christ our Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 19, 1981, was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator McKnight was granted leave of absence today on account of important business on motion of Senator Harris.

**MESSAGE FROM THE HOUSE**

House Chamber  
March 23, 1981

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 306**, Relating to alcoholic beverage regulations relating to age. (With amendment)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

## BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

**S.B. 54**  
**S.B. 74**

**CO-AUTHOR OF SENATE BILL 368**

On motion of Senator Caperton and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 368.

## REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

**S.B. 801**  
**C.S.S.B. 619** (Read first time)  
**C.S.S.B. 319** (Read first time)

## SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Traeger and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 1130 by Traeger** Intergovernmental Relations  
Relating to the creation of the 291st Judicial District, composed of Dimmit,  
Maverick, and Zavala counties, and the office of district attorney of the 291st  
Judicial District.

**S.B. 1131 by Truan** Intergovernmental Relations  
 Relating to the compensation of the judges of the county courts at law in  
 Nueces County.

**S.B. 1132 by Truan** Intergovernmental Relations  
Relating to the creation of a judicial district composed of Nueces County.

**S.B. 1133** by Snelson State Affairs  
 Relating to annuities based on service creditable in the elected class of  
 membership of the Employees Retirement System of Texas.

**S.B. 1134 by Ogg** State Affairs  
 Relating to the authority of a winery permittee to serve free wine.

**S.B. 1135** by Santiesteban Jurisprudence  
Relating to amending Acts of the 63rd Legislature, Regular Session, Chapter 399, 1973, as amended, (Article 32.45(a)(1)(B), Penal Code) by adding certain exceptions as to who are fiduciaries.

**S.B. 1136** by Doggett, Blake Finance  
Relating to longevity pay for part-time state employees.

**S.C.R. 73** by Mengden Jurisprudence  
Memorializing Congress to propose a constitutional amendment providing for initiative and referendum at the federal level.

**S.C.R. 74** by Mengden State Affairs  
Memorializing Congress to promptly adopt the Kemp-Roth tax cut included in President Reagan's economic recovery proposals.

**S.C.R. 75** by Mengden State Affairs  
Memorializing Congress and the President to effect a repeal of 42 U.S.C. Section 1973c, eliminating the legal requirement of the Voting Rights Act of 1965.

#### HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

**H.B. 450**, To Committee on Intergovernmental Relations.

**H.B. 563**, To Committee on Intergovernmental Relations.

**H.B. 1379**, To Committee on Natural Resources.

#### SENATE RESOLUTION 392

Senator Mauzy offered the following resolution:

**S.R. 392**, Offering a prayerful concern for the citizens of Atlanta as a result of the loss of twenty-two children in their community and symbolized by the wearing of green ribbons.

The resolution was read and was adopted.

#### GUESTS PRESENTED

Senator Uribe was recognized and presented to the Members Mr. Bill Meyers, recently named "McAllen's Outstanding Man of the Year".

Senator Uribe escorted Mr. and Mrs. Meyers to the President's Rostrum and the President presented Mr. Meyers with an enrolled copy of Senate Resolution 214, previously adopted by the Senate.

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas  
March 19, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BOARD OF REGENTS OF EAST TEXAS STATE UNIVERSITY:

For a six-year term to expire February 15, 1987:

PEGGY M. WILSON of Dallas, Dallas County, is replacing Raymond M. Holliday of Houston, Harris County, whose term expired.

GENE WESLEY HIGHTOWER, D.D.S. of Van, Van Zandt County, is replacing Stephen Oden, Texarkana, Bowie County, whose term expired.

For a six-year term to expire February 15, 1987:

W. BEN MUNSON, III of Denison, Grayson County, is replacing Houston H. Harte of San Antonio, Bexar County, whose term expired.

Respectfully submitted,

William P. Clements, Jr.  
Governor of Texas

**HOUSE BILL 1341 ON SECOND READING**

Senator Caperton asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 1341**, Relating to an appropriation to the Texas Department of Corrections.

There was objection.

Senator Caperton then moved to suspend the regular order of business and take up **H.B. 1341** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Howard.

Absent-excused: McKnight.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Amend **H.B. 1341** by striking all below the enacting clause and substituting the following:

**SECTION 1.** In addition to the sums appropriated by the current General Appropriations Act to the Texas Department of Corrections, the sum of \$35,000,000 is appropriated from the general revenue fund to the Texas

Department of Corrections, ~~for the construction of facilities to house prisoners.~~

SECTION 2. The funds appropriated in Section 1 shall be used for the construction of facilities to house prisoners and for the implementation of a work furlough program. Of the funds appropriated above, the Department shall not expend more than \$250,000 for a work furlough program.

SECTION 2.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### RECORD OF VOTE

Senator Howard asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 1341 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1341** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Howard.

Absent-excused: McKnight.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

#### HOUSE BILL 511 ON SECOND READING

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 511**, Relating to appropriations to Sul Ross University. (Submitted by Governor as an emergency)

The bill was read second time and was passed to third reading.

**HOUSE BILL 511 ON THIRD READING**

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 511 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

**COMMITTEE SUBSTITUTE SENATE BILL 7 ON SECOND READING**

Senator Brooks moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 7**, Relating to the regulation of the care and treatment of animals in kennels or riding stables; and providing a penalty.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Andujar, Brooks, Caperton, Doggett, Farabee, Glasgow, Jones, Kothmann, Leedom, Mauzy, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Blake, Brown, Harris, Howard, Meier, Wilson.

Absent-excused: McKnight.

The bill was read second time and was passed to engrossment by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Howard, Jones, Kothmann, Leedom, Mauzy, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Blake, Harris, Meier, Wilson.

Absent-excused: McKnight.

**COMMITTEE SUBSTITUTE SENATE BILL 7 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

(Senator Meier in Chair)

**COMMITTEE SUBSTITUTE SENATE BILL 56 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 56**, Relating to fishing license exemptions.

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

**COMMITTEE SUBSTITUTE SENATE BILL 56 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 56** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

(President in Chair)

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

**GUEST PRESENTED**

Senator Truan was recognized and presented The Honorable Luther Jones, Mayor of Corpus Christi.

Mayor Jones was welcomed as a guest of the Senate today.

**COMMITTEE SUBSTITUTE SENATE BILL 224 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 224**, Relating to the assessment of certain costs for service of process by mail.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 224 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 224** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

The bill was read third time and was passed.

#### SENATE BILL 771 ON SECOND READING

On motion of Senator Kothmann and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 771**, Relating to the conveyance by the Parks and Wildlife Department of certain real property to the United States of America.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Amend **S.B. 771** by adding a new Section 3 to read as follows, and renumbering the existing Sec. 3 as Sec. 4:

"Sec. 3"

"In the event that any land conveyed under this act to the United States of America fails to be established, operated or maintained as public parkland, or should it cease to be operated or maintained once established, all right, title and interest conveyed hereunder shall revert to the State of Texas, and the United States of America shall retain no right, title or interest in any of the lands."

The amendment was read.

On motion of Senator Brown and by unanimous consent, the amendment was withdrawn.

The bill was passed to engrossment.

#### SENATE BILL 771 ON THIRD READING

Senator Kothmann moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 771** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

#### SENATE BILL 486 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:



**S.B. 486**, Relating to continuation of the Texas Amusement Machine Commission and regulation of the amusement machine business; providing a penalty.

The bill was read second time and was passed to engrossment.

**SENATE BILL 486 ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 486** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

The bill was read third time and was passed.

**SENATE BILL 645 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 645**, Relating to the authority to establish and maintain law libraries in the district, county, and justice courts in each county and the use of the county law libraries fund.

The bill was read second time and was passed to engrossment.

**SENATE BILL 645 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 645** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

**SENATE BILL 767 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 767**, Relating to the platting and replatting and recording of real estate subdivisions; amending Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as amended, by amending Section 5 (Section 5 of Article 974a, Vernon's Texas Civil Statutes, as amended); providing for applicability to all subdivision plats (or replats); providing for validation of all prior approved

subdivisions and resubdivisions; providing a severability clause; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### SENATE BILL 767 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 767 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

#### SENATE BILL 753 ON SECOND READING

Senator Glasgow asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 753**, Relating to regulation of chiropractors and continuation of the Texas Board of Chiropractic Examiners.

There was objection.

Senator Glasgow then moved to suspend the regular order of business and take up **S.B. 753** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Snelson.

Absent: Short.

Absent-excused: McKnight.

The bill was read second time.

Senator Glasgow offered the following committee amendment to the bill:

Amend **S.B. 753**, Section 2 by adding "5a" between "3b," and "17a" in first paragraph and by inserting Sec. 5a between "Sec. 3b" and "Sec. 17a" to read as follows.

Sec. 5a a person may not practice chiropractry without being licensed to do so by the Texas Board of Chiropractic Examiners.

The committee amendment was read and was adopted.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **SENATE BILL 753 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 753** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

The bill was read third time and was passed.

#### **MEMORIAL RESOLUTIONS**

**S.R. 393** - By Snelson: Memorial resolution for W. H. "Bill" Dittmore, Jr.

**S.R. 394** - By Snelson: Memorial resolution for John R. Perry.

#### **CONGRATULATORY RESOLUTION**

**H.C.R. 120** - (Short): Recognizing March 19, 1981, as "Agriculture Day".

#### **ADJOURNMENT**

On motion of Senator Brooks the Senate at 12:17 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### **APPENDIX**

Signed by Governor  
(March 20, 1981)

<b>S.B. 2</b>	Effective immediately
<b>S.B. 17</b>	Effective immediately
<b>H.B. 277</b>	Effective immediately
<b>H.B. 559</b>	Effective immediately
<b>H.C.R. 57</b>	
<b>H.C.R. 77</b>	
<b>H.C.R. 99</b>	